

1 OFFICE OF THE CITY ATTORNEY
2 GARY VERBURG, City Attorney
3 State Bar No. 005515
4 200 West Washington, Suite 1300
5 Phoenix, Arizona 85003-1611
6 Telephone (602) 262-6761
7 law.civil.minute.entries@phoenix.gov

8 Shannon M. Bell, Bar No. 018403
9 Assistant City Attorney
10 Attorney for City of Phoenix, Officer James Blanco and Officer Ronald Bryant
11

12
13 IN THE UNITED STATES DISTRICT COURT
14
15 FOR THE DISTRICT OF ARIZONA

16 JULIO MACIAS and ANNA MACIAS,
17 husband and wife,

18 No.

19 Plaintiffs,

20 **NOTICE OF REMOVAL**

21 vs.

22 OFFICER JAMES BLANCO,
23 Individually and acting on behalf of
24 PHOENIX POLICE DEPARTMENT,
(Badge No. 8710), and Jane Doe Blanco;
OFFICER RONALD BRYANT,
Individually and acting on behalf of
PHOENIX POLICE DEPARTMENT,
(Badge No. 6608) and JANE DOE
BRYANT, CITY OF PHOENIX, AND
JOHN and JANE DOES I-X; BLACK
PARTNERSHIPS I-V; AND WHITE
CORPORATIONS I-V,

25 Defendants.

26 Defendants, City of Phoenix, Officer James Blanco and Officer Ronald Bryant,
27 through undersigned counsel, and pursuant to 28 U.S.C. § 1441(b) and LRCiv 3.7,

1 hereby notice the removal of the above referenced action commenced and now pending
2 in the Superior Court of the State of Arizona, in and for the County of Maricopa entitled
3 *Julio Macias and Anna Macias, husband and wife, Plaintiff, vs. Officer James Blanco,*
4 *Individually and acting on behalf of Phoenix Police Department, (Badge No. 8710), et.*
5 *al. Defendants*, Civil Action No. CV2012-000624, and in support of removal asserts the
6 following:

7 1. Petitioners are the Defendants in the Superior Court of the State of Arizona
8 in and for the County of *Maricopa* under the caption JULIO MACIAS and ANNA
9 MACIAS, husband and wife, Plaintiff, vs. OFFICER JAMES BLANCO, Individually
10 and acting on behalf of PHOENIX POLICE DEPARTMENT, (Badge No. 8710), et. al.,
11 Defendants, Maricopa County Superior Court Case No. CV2012-000624. Copies of the
12 Complaint and all other documents previously filed in this matter are in Exhibit "A" of
13 the Index filed simultaneously with this pleading.

14 2. The first date upon which Defendants received a copy of the Complaint
15 was May 17, 2012, in which a Copy of the Summons and Complaint was hand
16 delivered to the City Clerk.

17 3. Plaintiff has asserted a claim of violation of his Fourth and Fourteenth
18 Amendment Right against excessive use of force.

19 4. This Notice of Removal is being filed within 30 days after Service of the
20 Summons and Complaint and is therefore timely under 28 U.S.C. § 1446(b).

21 5. A Notice of Filing of Notice of Removal has been filed in the Arizona
22 Superior Court, County of Maricopa, on behalf of Defendants. A true and correct copy
23 of the Notice is in Exhibit "B" of the Index filed simultaneously with this pleading.

24

1 WHEREFORE, Defendants respectfully request that the above action now
2 pending in the Arizona Superior Court, Maricopa County, be removed to this Court.

3 DATED this 6th day of June, 2012.

4 GARY VERBURG, City Attorney

5
6 By /s/Shannon M. Bell
7 Shannon M. Bell
8 Assistant City Attorney
9 200 West Washington, Suite 1300
10 Phoenix, Arizona 85003-1611
11 Attorneys for Defendants City of Phoenix,
12 Officer James Blanco and Officer Ronald
13 Bryant

14 A COPY of the foregoing e-filed
15 with the court and a copy mailed
16 this 6th day of June, 2012, to:

17 David D. Greene
18 Law Offices of Ho & Green, PLLC
19 301 East Bethany Home Road, Suite C-178
20 Phoenix, AZ 85012-1295
21 Attorneys for Plaintiff Julio Macias and Anna Macias

22 By /s/A. Valenzuela
23 SB2:SB2#978622_1.DOC

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(602) 262-6761

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8
9 Shannon M. Bell Bar No. 018403
10 Assistant City Attorney
11 Attorney for OFFICER JAMES BLANCO; OFFICER RONALD BRYANT; and
12 CITY OF PHOENIX

13 IN THE UNITED STATES DISTRICT COURT

14 FOR THE DISTRICT OF ARIZONA

15 JULIO MACIAS and ANNA MACIAS,
16 husband and wife,

17 No.

18 **CASE INDEX**

19 (Superior Court Case No. CV2012-
20 000624)

21 OFFICER JAMES BLANCO,
22 Individually and acting on behalf of
23 PHOENIX POLICE DEPARTMENT,
24 (Badge No. 8710), and Jane Doe Blanco;
OFFICER RONALD BRYANT,
Individually and acting on behalf of
PHOENIX POLICE DEPARTMENT,
(Badge No. 6608) and JANE DOE
BRYANT, CITY OF PHOENIX, AND
JOHN and JANE DOES I-X; BLACK
PARTNERSHIPS I-V; AND WHITE
CORPORATIONS I-V,

25 Defendants.

26 **Exhibits:**

27 (A) Contents of Superior Court Case No. CV2012-000624

1 (B) Superior Court Notice of Removal to the Federal District Court

2 SB2:AV#978920_1.DOC

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OFFICE OF THE CITY ATTORNEY
200 West Washington, Suite 1300
Phoenix, Arizona 85003-1611
(602) 262-6761

EXHIBIT A

MICHAEL K. JEANES
 Clerk of the Superior Court
 By Patricia Sanders, Deputy
 Date 01/18/2012 Time 14:53:21
 Description Amount
 CASE# CV2012-000624
 CIVIL NEW COMPLAINT 301.00

1 DAVID D. GREENE, ESQ.
 State Bar No. 023555
 2 THE LAW OFFICES OF HO & GREENE, PLLC
 301 East Bethany Home Road, Suite C-178
 3 Phoenix, Arizona 85012
 4 Telephone: 602-354-7346
 Facsimile: 602-354-7469
 5 Email: david@hogreenelaw.com
Attorney for Plaintiff

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 JULIO MACIAS and ANNA MACIAS,
 9 husband and wife,

10 Plaintiff,

11 vs.

12 OFFICER JAMES BLANCO, Individually
 and acting on behalf of PHOENIX POLICE
 13 DEPARTMENT, (Badge No. 8710), and
 Jane Doe Blanco; OFFICER RONALD
 14 BRYANT, Individually and acting on behalf
 of PHOENIX POLICE DEPARTMENT,
 (Badge No. 6608) and JANE DOE
 15 BRYANT, CITY OF PHOENIX, AND
 JOHN and JANE DOES I-X;
 16 BLACK PARTNERSHIPS I-V; AND
 17 WHITE CORPORATIONS I-V,
 18

19 Defendants.

1 No. CV2012 000624

20 COMPLAINT

21 (TORT NON-MOTOR VEHICLE)

22
 23 Julio Macias, ("Plaintiff"), by and through counsel undersigned, for his Complaint
 24 against Defendants, alleges as follows:

25
 26 **JURISDICTIONAL ALLEGATIONS**

1 1. At all times relevant hereto, Plaintiffs resided in Maricopa County,
2 Arizona.

3 2. At all times relevant to this Complaint, Defendant Blanco was acting within
4 the scope of his employment with Phoenix Police Department.

5 3. At all times relevant to this Complaint, Defendant Bryant was acting within
6 the scope of his employment with Phoenix Police Department.

7 4. The spouses of Defendants Blanco and Bryant, if any, are named only to
8 comply with the requirements of the community property laws of this State. All conduct
9 of these Defendants were performed on behalf of their martial communities.

10 5. Upon information and belief other unknown Phoenix employees were
11 present at the time and place of the subject matter of this complaint. The identity of these
12 additional parties is unknown at this time but Plaintiff will file a motion to amend the
13 complaint once the identities are discovered.

14 6. The names of Jane Does Blanco and Bryant, John Does I-V, Jane Does I-
15 V, Black Partnerships I-V, and White Corporation I-V are unknown to Plaintiff, but upon
16 ascertaining their names, Plaintiff will ask leave of the Court to insert their true names in
17 lieu of the fictitious names herein sued upon.

18 7. At all times relevant to this Complaint, Defendant City of Phoenix is a
19 municipality in Maricopa County, Arizona.

20 8. City of Phoenix and its employees were operating under color of state law.
21 Defendant City of Phoenix is responsible for implementing and enforcing the policies and

1 practices of the Phoenix Police Department, and the hiring, training, and supervision of
2 Defendants Blanco and Bryant.

3 9. The events giving rise to this Complaint occurred in Maricopa County,
4
5 Arizona.

6 10. This Court has jurisdiction over this matter because the incident which is
7 the subject matter of this claim occurred in Phoenix, Arizona.

ALLEGATIONS OF FACT

10 11. On January 18, 2011, Plaintiff was physically assaulted by Defendants
11 Blanco and Bryant.

12 12. Defendant Blanco and Bryant used unreasonable force against Plaintiff.

13. Plaintiff was not a threat to himself or others, and did no action to justify
14
15 the use of force by Defendants.

16 14. Defendants Blanco and Bryant and other Phoenix City employees were
17 acting within the course and scope of their respective employment during their
18 involvement in the above-described incident.

15. Each of the Defendants acted under color of state law during their
involvement in the above-described incident.

22 20. Defendants Blanco and Bryant and other Unknown Defendants acted "in
23 concert", pursuant to A.R.S. § 12-2506, with respect to their intentional conduct toward
24 Plaintiff.
25

COUNT ONE — ASSAULT AND BATTERY

21. Plaintiffs hereby incorporate all previous allegations in this Complaint.

22. Defendants intended to cause harm or offensive contact to Plaintiff.

23. Defendants intentionally touched Plaintiff in a harmful or offensive manner; or he intentionally acted in a manner that caused Plaintiff reasonable apprehension that he would be touched in a harmful or offensive manner.

24. Defendants assaulted Plaintiff in a manner that exceeded the minimal amount of force reasonably necessary to accomplish a lawful purpose, in violation of A.R.S. § 13-3881(B).

25. City of Phoenix is vicariously liable to Plaintiff for the assault and battery of Defendants, pursuant to the principle of *Respondeat Superior*.

26. This harmful or offensive touching by the Defendants, as indicated above, directly and proximately caused Plaintiff general and special damages, in an amount to be proven at trial, including: physical injuries, present and future medical expenses, pain, suffering, mental and emotional anguish, loss of income, diminished earning capacity, loss of consortium and violation of Constitutionally protected rights, including cruel and unusual treatment.

COUNT TWO — NEGLIGENCE

27. Plaintiffs hereby incorporate all previous allegations in this Complaint.

28. Defendants used unreasonable force against Plaintiff.

29. Upon information and belief other unknown defendants failed to intervene

against Defendants from using unreasonable force against Plaintiff.

30. The Defendant Officers' conduct, described above, constituted action or inaction with reckless indifference to the results, rights or safety of Plaintiff.

31. Defendants knew, or reasonably should have known, that theirs actions or inactions, as described above, created an unreasonable risk of harm to Plaintiffs, which was so great that it was highly probable that such harm would result.

32. Defendant City of Phoenix is vicariously liable to Plaintiff for the negligence of Defendants, and the negligence of other City of Phoenix Defendants, pursuant to the principle of *Respondeat Superior*.

33. Defendant City of Phoenix failed to exercise sufficient care in the hiring, screening, training and supervision of Defendants Blanco and Bryant and other City of Phoenix employees.

34. The Defendants' conduct, constituting negligence or gross negligence, directly and proximately caused Plaintiffs general and special damages, in an amount to be proven at trial, including: physical injuries, present and future medical expenses, pain, suffering, mental and emotional anguish, loss of income, diminished earning capacity, loss of consortium and violation of Constitutionally protected rights, including cruel and unusual treatment.

COUNT THREE — CIVIL RIGHTS

35. Plaintiffs hereby incorporate all previous allegations in this Complaint.

36. Each Defendant, acting under color of state law, knowingly, willfully and

1 intentionally deprived Plaintiff of his rights, privileges and immunities secured by the
2 United States Constitution and derivative rights under 42 U.S.C. § 1983 by:

3 a. Needlessly and unreasonably subjecting Plaintiff to excessive
4 physical force;

5 37. Defendants violated Plaintiff's United States Constitutional Rights and
6 Arizona State Constitution Rights.

7 38. The above described civil rights violations, directly and proximately caused
8 Plaintiffs general and special damages, in an amount to be proven at trial, including:
9 physical injuries, present and future medical expenses, pain, suffering, mental and
10 emotional anguish, loss of income, diminished earning capacity and loss of consortium.

11 **WHEREFORE**, Plaintiffs request judgment against Defendants as follows:

12 A. For general damages and losses already incurred, and to be incurred in the
13 future, in an amount reasonable and proper;

14 B. For past and future medical expenses and other economic losses incurred
15 by Plaintiffs in an amount to be proven at trial;

16 C. For punitive damages;

17 D. For attorney's fees, pursuant to 42 U.S.C. § 1988 and all corresponding
18 Arizona law;

19 E. For Plaintiffs' costs and expert fees, pursuant to 42 U.S.C. § 1988 and all
20 corresponding Arizona law;

1 F. For such additional relief as the Court may deem just and proper in the
2 premises.

3 DATED this 16 day of January, 2012.
4

5 THE LAW OFFICES OF HO & GREENE, P.L.L.C.

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8 David D. Greene
9 Attorney for Plaintiff

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MICHAEL R. JEANES, CLERK
BY P. Sanders
DEP
FILED

12 JAN 18 PM 2:44

1 DAVID D. GREENE, ESQ.
2 State Bar No. 023555
3 THE LAW OFFICES OF HO & GREENE, PLLC
4 301 East Bethany Home Road, Suite C-178
5 Phoenix, Arizona 85012
Telephone: 602-354-7346
Facsimile: 602-354-7469
Email: david@hogreenelaw.com
Attorney for Plaintiff

6 IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

7 IN AND FOR THE COUNTY OF MARICOPA

8 JULIO MACIAS and ANNA MACIAS,
9 husband and wife,

10 Plaintiff,

11 vs.

12 OFFICER JAMES BLANCO, Individually
13 and acting on behalf of PHOENIX POLICE
14 DEPARTMENT, (Badge No. 8710), and
15 Jane Doe Blanco; OFFICER RONALD
16 BRYANT, Individually and acting on behalf
17 of PHOENIX POLICE DEPARTMENT,
(Badge No. 6608) and JANE DOE
18 BRYANT, CITY OF PHOENIX, AND
19 JOHN and JANE DOES I-X;
BLACK PARTNERSHIPS I-V; AND
WHITE CORPORATIONS I-V,

20 Defendants.

11 No.

12 CV2012 000624

13 CERTIFICATE OF COMPULSORY
14 ARBITRATION

21
22
23
24 The undersigned certifies that the largest award sought by the Plaintiff,
25 including punitive damages, but excluding interest, attorneys' fees, and costs does exceed
26

1 limits set by Local Rule for compulsory arbitration. This case is not subject to the
2 Arizona Rules of Civil Procedure governing compulsory arbitration.

3 DATED this 16 day of January, 2012.
4

5 LAW OFFICES OF HO & GREENE, P.L.L.C.
6



7
8 David D. Greene, Esq.
9 Law Offices of Ho & Greene, P.L.L.C.
10 301 East Bethany Home Road, Suite C-178
Phoenix, Arizona 85012
david@hogreenelaw.com
11 *Attorneys for Plaintiff*

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Office Distribution

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

FILED
04/25/2012
by Superior Court Admin
on behalf of Clerk of the
Superior Court

04/21/2012

COURT ADMINISTRATION

Ct. Admin
Deputy

Case Number: CV2012-000624

Julio Macias

V.

James Blanco

The Judge assigned to this action is the Honorable Colleen Louise French

NOTICE OF INTENT TO DISMISS FOR LACK OF SERVICE

You are hereby notified that the complaint filed on 01/18/2012 is subject to dismissal pursuant to Rule 4 (i), Arizona Rules of Civil Procedure. The deadline for completing service is 05/17/2012. If no judge has extended time for completing service and no defendants have been served by this date, this case will be dismissed.

Superior Court of Maricopa County - Integrated Court Information System
Endorsee Party Listing

Case Number: CV2012-000624

Party Name	Attorney Name	
Anna Macias	David Dennis Greene	Bar ID: 023555
Julio Macias	David Dennis Greene	Bar ID: 023555

1 Strategic Intelligence Services PLLC
2 14700 N Frank Lloyd Wright Boulevard
3 Ste. 157-411
4 Scottsdale, AZ 85260
5 Telephone: (480) 588-5811

MICHAEL K. JEANES, CL
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12 MAY 18 AM 7-1
7-4

6
7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
8 IN AND FOR THE COUNTY OF MARICOPA

9 BY P. Fischer, DEP
10 FILED
11

12 JULIO MACIAS and ANNA MACIAS, husband and
13 wife,

14 Case No.: CV2012-000624

15 Plaintiffs,

16 CERTIFICATE OF SERVICE

17 vs.

18 OFFICER JAMES BLANCO, Individually and acting on
19 behalf of PHOENIX POLICE DEPARTMENT, (Badge
20 No. 8710), et al.

21 Defendants.

22 CHRISTINE BURKE, being first duly sworn, deposes and says:

23 1. I am an Arizona Certified Process Server, Maricopa County License #7639, fully qualified under
24 RCP 4(d), and 45(d) to serve process in this action;
2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from
Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant OFFICER RONALD BRYANT,
acting on behalf of PHOENIX POLICE DEPARTMENT, through substitute service upon THOMAS
BRYANT, 20 yoa, son of RONALD BRYANT, who identified himself by name and accepted service
on behalf of OFFICER RONALD BRYANT at their residence 2493 East Del Rio Street, Gilbert, AZ
85295 at 1200 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are
true and correct.

25 Christine Burke

05-77-12

CHRISTINE BURKE

DATE

1 Strategic Intelligence Services PLLC
14700 N Frank Lloyd Wright Boulevard
2 Ste. 157-411
3 Scottsdale, AZ 85260
Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK
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12 MAY 18 AM 7:49

4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA BY *Plaintiff* FILED
5 IN AND FOR THE COUNTY OF MARICOPA DEP

6
7 JULIO MACIAS and ANNA MACIAS, husband and
8 wife,

Case No.: CV2012-000624

9 vs.
10
11 Plaintiffs,

CERTIFICATE OF SERVICE

12 OFFICER JAMES BLANCO, Individually and acting on
behalf of PHOENIX POLICE DEPARTMENT, (Badge
No. 8710), et al.

13 Defendants.

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RCP 4(d), and 45(d) to serve process in this action;
- 17 2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from
Plaintiff's attorney on Thursday, May 17, 2012.
- 18 3. I served true copies of these original documents upon Defendant CITY OF PHOENIX, by service
upon RICHARD ST. GEORGE, Special Deputy Clerk, who identified himself by name and accepted
service on behalf of CITY OF PHOENIX at his normal place of business, PHOENIX CITY HALL, 200
21 W Washington Street, Phoenix AZ at 1055 hours on Thursday, May 17, 2012.
- 22 4. I have read the foregoing document and state under penalty of perjury that the facts herein are
true and correct.

23
24 *Christine Burke*

05-17-12

25 CHRISTINE BURKE

DATE

1 **Strategic Intelligence Services PLLC**
2 14700 N Frank Lloyd Wright Boulevard
3 Ste. 157-411
4 Scottsdale, AZ 85260
5 Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK
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12 MAY 18 AM 7:49

4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
5 IN AND FOR THE COUNTY OF MARICOPA

6 BY P. Bailett, DEP
7 FILED

8 **JULIO MACIAS and ANNA MACIAS, husband and
9 wife,**

10 Case No.: CV2012-000624

11 Plaintiffs,

12 **CERTIFICATE OF SERVICE**

13 vs.

14 **OFFICER JAMES BLANCO, Individually and acting on
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20 RCP 4(d), and 45(d) to serve process in this action;
21 2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from
22 Plaintiff's attorney on Thursday, May 17, 2012.
23 3. I served true copies of these original documents upon Defendant JANE DOE BRYANT, AKA MARY
24 BLANCO as identified through Maricopa County Property Records, by substitute service upon
25 THOMAS BRYANT, 20 yoa, son of RONALD BRYANT, who identified himself by name and
accepted service on behalf of JANE DOE BRYANT at their residence 2493 East Del Rio Street,
Gilbert, AZ 85295 at 1200 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are
true and correct.

26 Christine Burke

27 05-17-12

28 **CHRISTINE BURKE**

29 **DATE**

MICHAEL K. JEANES, CLERK
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12 MAY 18 AM 7:49

1 Strategic Intelligence Services PLLC
2 14700 N Frank Lloyd Wright Boulevard
3 Ste. 157-411
4 Scottsdale, AZ 85260
5 Telephone: (480) 588-5811

6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA BY *h. parker*, DEP

7 IN AND FOR THE COUNTY OF MARICOPA

8 JULIO MACIAS and ANNA MACIAS, husband and
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10 Case No.: CV2012-000624

11 Plaintiffs,

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22 Plaintiff's attorney on Thursday, May 17, 2012.
- 23 3. I served true copies of these original documents upon Defendant RONALD BRYANT, individual,
24 through substitute service upon THOMAS BRYANT, 20 yoa, son of RONALD BRYANT, who
25 identified himself by name and accepted service on behalf of RONALD BRYANT at their
residence 2493 East Del Rio Street, Gilbert, AZ 85295 at 1200 hours on Thursday, May 17, 2012.
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true and correct.

24 *Christine Burke*

05-17-12

25 CHRISTINE BURKE

DATE

1 **Strategic Intelligence Services PLLC**
14700 N Frank Lloyd Wright Boulevard
2 Ste. 157-411
3 Scottsdale, AZ 85260
3 Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK
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12 MAY 18 AM 7:49

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA BY Foster, DEP
IN AND FOR THE COUNTY OF MARICOPA

7 JULIO MACIAS and ANNA MACIAS, husband and wife,

Case No.: CV2012-000624

Plaintiffs.

CERTIFICATE OF SERVICE

9

11 OFFICER JAMES BLANCO, Individually and acting on
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Defendants.

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25 | CHRISTINE BURKE

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FILED
BY H. Barker, DEP

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

JULIO MACIAS and ANNA MACIAS, husband and wife,

Case No.: CV2012-000624

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1 vs

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2. I received a SUMMONS, COMPLAINT and CERTIFICATE OF COMPULSORY ARBITRATION from Plaintiff's attorney on Thursday, May 17, 2012.
3. I served true copies of these original documents upon Defendant JAMES BLANCO, individual, through personal service upon JAMES BLANCO, who identified himself by name and accepted service at his residence, 295 W. Oriole Way Chandler, AZ 85286 at 1235 hours on Thursday, May 17, 2012.
4. I have read the foregoing document and state under penalty of perjury that the facts herein are true and correct.

Chasie Burke

05-17-12

CHRISTINE BURKE

DATE

1 **Strategic Intelligence Services PLLC**
14700 N Frank Lloyd Wright Boulevard
2 Ste. 157-411
3 Scottsdale, AZ 85260
Telephone: (480) 588-5811

MICHAEL K. JEANES, CLERK
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DEPOSITORY

12 MAY 18 AM 7:49

FILED

BY Rebecca DEP

4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

5 IN AND FOR THE COUNTY OF MARICOPA

6 **JULIO MACIAS and ANNA MACIAS, husband and**
7 **wife,**

Case No.: CV2012-000624

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- 18 3. I served true copies of these original documents upon Defendant OFFICER JAMES BLANCO,
acting on behalf of PHOENIX POLICE DEPARTMENT, through personal service upon JAMES
BLANCO, individual, who identified himself by name and accepted service at his residence, 295
W. Oriole Way Chandler, AZ 85286 at 1235 hours on Thursday, May 17, 2012.
- 19 4. I have read the foregoing document and state under penalty of perjury that the facts herein are
20 true and correct.

21 Christine Burke

22 05-17-12

23
24 CHRISTINE BURKE

25 DATE

EXHIBIT B

1 OFFICE OF THE CITY ATTORNEY
2 GARY VERBURG, City Attorney
3 State Bar No. 005515
4 200 West Washington, Suite 1300
5 Phoenix, Arizona 85003-1611
6 Telephone (602) 262-6761
7 law.civil.minute.entries@phoenix.gov

8 Shannon M. Bell, #018403
9 Assistant City Attorney
10 Attorney for Defendants City of Phoenix, Officer James Blanco and Officer Ronald
11 Bryant

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 JULIO MACIAS and ANNA MACIAS,
15 husband and wife,

16 Plaintiff(s),

17 vs.

18 OFFICER JAMES BLANCO, Individually
19 and acting on behalf of PHOENIX POLICE
20 DEPARTMENT, (Badge No. 8710), and Jane
21 Doe Blanco; OFFICER RONALD BRYANT,
22 Individually and acting on behalf of
23 PHOENIX POLICE DEPARTMENT,
24 (Badge No. 6608) and JANE DOE
BRYANT, CITY OF PHOENIX, AND
JOHN and JANE DOES I-X; BLACK
PARTNERSHIPS I-V; AND WHITE
CORPORATIONS I-V,

Defendants.

NO. CV2012-000624

**NOTICE OF FILING NOTICE OF
REMOVAL**

(Assigned to the Honorable Colleen L.
French)

Defendants, City of Phoenix, Officer James Blanco, and Officer Ronald Bryant,
through undersigned counsel, and pursuant to 28 U.S.C. § 1441, et seq., hereby notify
this Court that they have filed a Notice of Removal of this action to the United States
District Court for the District of Arizona. A copy of the Notice of Removal filed June 6,

1 2012 is attached hereto as Exhibit "A."

2 DATED this 6th day of June, 2012.

3 GARY VERBURG, City Attorney

4

5 By /s/Shannon M. Bell
6 Shannon M. Bell
7 Assistant City Attorney
8 200 West Washington, Suite 1300
9 Phoenix, Arizona 85003-1611
10 Attorneys for Defendants City of Phoenix,
11 Officer James Blanco, and Officer Ronald
12 Bryant

13 ORIGINAL of the foregoing E-filed
14 and a COPY delivered electronically
15 this 6th day of June, 2012, to:

16 The Honorable Colleen L. French
17 Judge of the Superior Court

18 COPY of the foregoing mailed
19 this 6th day of June, 2012, to:

20 David D. Greene
21 Law Offices of Ho & Green, PLLC
22 301 East Bethany Home Road, Suite C-178
23 Phoenix, AZ 85012-1295
24 Attorneys for Plaintiffs Julio Macias and Anna Macias

25 By /s/A. Valenzuela

26 SB2:sb2#978615_1.DOC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Julio and Anna Macias

(b) County of Residence of First Listed Plaintiff Maricopa
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

David D. Greene, Law Offices of Ho & Greene, PLLC, 301 E.
Bethany Home Rd., #C-178, Phoenix, Az. 85012, 602-354-7346

DEFENDANTS

Officer James Blanco, Officer Ronald Bryant, City of Phoenix

County of Residence of First Listed Defendant Maricopa
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Shannon M. Bell, Phoenix City Attorney's Office, 200 W.
Washington, #1300, Phoenix, Az. 85003, 602-262-6761

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7

Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

VI. CAUSE OF ACTION

Brief description of cause:
Violation of Fourth and Fourteenth Amendment - excessive use of force, negligence, assault/battery

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/01/12

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

SUPPLEMENTAL CIVIL COVER SHEET FOR CASES REMOVED FROM ANOTHER JURISDICTION

This form must be attached to the Civil Cover Sheet at the time
the case is filed in the United States District Clerk's Office.
Additional sheets may be used as necessary.

1. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Cross-claimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code).

<u>Party</u>	<u>Party Type</u>	<u>Attorney(s)</u>
Julio and Anna Macias	Plaintiff	David D. Greene 301 E. Bethany Home Rd., #C-178 Phoenix, Az. 85012 602-354-7346
Officer James Blanco	Defendant	Shannon M. Bell, Bar No.018403 Office of Phoenix City Attorney 200 W. Washington, #1300 Phoenix, Az. 85003 602-262-6761
Officer Ronald Bryant	Defendant	Shannon M. Bell, Bar No.018403 Office of Phoenix City Attorney 200 W. Washington, #1300 Phoenix, Az. 85003 602-262-6761
City of Phoenix	Defendant	Shannon M. Bell, Bar No.018403 Office of Phoenix City Attorney 200 W. Washington, #1300 Phoenix, Az. 85003 602-262-6761

2. Jury Demand:

Was a Jury Demand made in another jurisdiction? Yes No

If "Yes," by which party and on what date?

3. Answer:

Was an Answer made in another jurisdiction? Yes No [X]

If "yes," by which party and on what date?

4. Served Parties:

The following parties have been served at the time this case was removed:

<u>Party</u>	<u>Date Served</u>	<u>Method of Service</u>
Officer James Blanco	5/17/12	Personal
Officer Ronald Bryant	5/17/12	Personal
City of Phoenix	5/17/12	Personal

5. Unserved Parties:

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason Not Served</u>
None	

6. Nonsuited, Dismissed or Terminated Parties:

Please indicate changes from the style of the papers from another jurisdiction and the reason for the change:

<u>Party</u>	<u>Reason for Change</u>
None	

7. Claims of the Parties:

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Julio and Anna Macias	Violation of Fourth and Fourteenth Amendment right against excessive use of force, negligence, assault and battery and respondeat superior

Pursuant to 28 USC § 1446(a) a copy of all process, pleadings, and orders served in another jurisdiction (State Court) shall be filed with this removal.